

REMARKS

Claims 12-22 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 12-19, drawn to method for differentiating mammalian bone marrow cells into myocardial precursor cells;

Group II, claims 20 and 21, drawn to myocardial precursor cells; and

Group III, claim 22, drawn to a method of using myocardial precursor cells in testing a substance.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 12-19. Applicants further elect EGF family as the species to be examined.

According to MPEP § 803, if the search and examination of an entire application can be made without a serious burden, the Examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions. Since claims 20 and 21, placed in Group II, depend from claim 12 and are directed to a method as recited in claim 12, which are placed in Group I, by searching one group the Examiner is necessarily searching the other group since the claims are so closely related in subject matter. Moreover, since claim 22 necessarily contains the myocardial cells recited in claim 20, which are prepared by the method as in claim 12, by searching one group the Examiner is necessarily searching the other group since the claims are so closely related in subject matter. Therefore, it would not be undue burden to search all of claims 12-22.

As such, Applicants respectfully request that the Examiner rejoin Groups I, II and III.

Reconsideration and withdrawal of the Unity of Invention Requirement of claims 12-22 are respectfully requested.


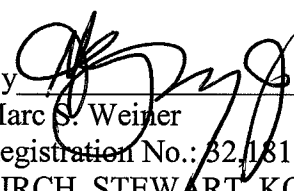
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 22, 2008

Respectfully submitted,

 By  #28977
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